

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E3224 (55-8618)

MEMORANDUM DECISION

Exchange Application Number E3224 (55-8618), in the name of John L. McEntire, was filed on February 7, 1994, to exchange 1.0 acre-feet of water as evidenced by Contract with Central Utah Water Conservancy District. The 1.0 acre-feet of water is to be released into Provo River and, in lieu thereof, 1.0 acre-feet of water will be diverted from a six inch well, 100 feet to 500 feet deep, located North 1050 feet and West 300 feet from the SE Corner of Section 11, T3S, R6E, SLB&M, and used for the irrigation of 0.18 acres and the domestic purposes of one family.

The application was advertised in The Wasatch Wave from March 2, 1994, to March 16, 1994, and was not protested.

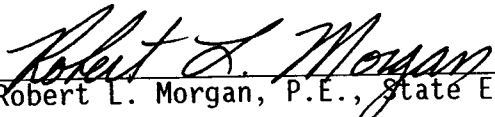
The State Engineer is of the opinion that this exchange can be approved provided certain conditions are met.

It is, therefore, **ORDERED** and Exchange Application Number E3224 (55-8618) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The applicant shall maintain in good standing a contract with Central Utah Water Conservancy District for 1.0 acre-foot of water; otherwise the application and the right to divert and use water hereby granted shall lapse.
- 2) The applicant shall install means by which all water can be measured.
- 3) The duly appointed River Commissioner on the Provo River shall release 1.0 acre-foot of water from Deer Creek Reservoir for this exchange as needed.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 26th day of April, 1994.


Robert L. Morgan, P.E., State Engineer

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Mailed a copy of the foregoing Memorandum Decision this 26th day of April, 1994,
to:

John L. McEntire
321 South 850 East
Kaysville, UT 84037

Stanley H. Roberts, Jr.
1675 South 350 East
Orem, UT 84058

BY:


Maclovio White, Secretary